

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION

REVISED
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May 20, 2003

FROM: **RAYMOND B. WINGERD**, Chief Probation Officer
 Probation Department

G. DANIEL OJEDA, Director
 Architecture and Engineering Department

SUBJECT: REVENUE CONTRACT WITH THE STATE BOARD OF CORRECTIONS

RECOMMENDATION: Approve revenue contract with the State of California, Board of Corrections, in the amount of \$19,329,640 for the grant period of May 17, 2001 to September 23, 2004, for construction of the High Desert Juvenile Detention and Assessment Center in Apple Valley and authorize the Chairman of the Board of Supervisors to sign the contract.

BACKGROUND INFORMATION: The Board of Supervisors originally approved the High Desert Juvenile Detention and Assessment Center project in Apple Valley on May 22, 2001 in the amount of \$31,264,062. Acceptance of a California Board of Corrections grant provides \$19,329,640 towards funding the project. The project funding is augmented by \$10,000,000 from the General Fund and \$1,934,422 from the Justice Facility Reserve Fund.

Construction of the project began in August 2002 and is approximately 47% complete. To date, the County has expended \$13,675,457 in project costs. As required by the State Board of Corrections, a contract must be entered into between the county and the State Board of Corrections to access the \$19,329,640 in grant funding.

Approval of this item will allow billing to begin on grant funding to pay the ongoing costs of construction.

Historical Data: Based upon the substantial documented increase of detained juveniles and a corresponding Needs Assessment Report, on February 13, 2001 the Board of Supervisors approved a grant application to the State Board of Corrections in the amount of \$19,329,640 for construction of a 200 bed facility in the High Desert. At the same time, the Board adopted a resolution assuring the Board of Corrections that the county would staff and begin operating the facility within 90 days after the completion of the project.

After submission of the application:

- An environmental impact study was conducted;
- Possible sites were evaluated; and
- Costs and financing information was gathered.

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Based upon the data collected, the Board accepted the grant and approved the project. Subsequently the proposed Apple Valley site was purchased; a Request for Proposal, for design and consultant services was issued; a consultant contract was awarded; and on August 6, 2002, the Board awarded the project construction contract to Swinerton Builders in the amount of \$22 million. Project costs in excess of grant funding will be funded by the General Fund (\$10 million) and the Justice Facility Reserve Fund (\$1.9 million); these contributions totaling \$11,934,422 are for expenditures in excess of the \$22 million facility costs. Costs to date include purchase of property to construct the facility, environmental study, and consultant fees.

The project, referred to as the High Desert Juvenile Detention and Assessment Center, involves five buildings and a perimeter wall. The Center will provide 100 double occupancy sleeping rooms (200 beds) in addition to operational and support space for intake, assessment, medical services, staff and administrative offices, meal preparation and storage areas, classrooms, dayrooms, a warehouse, and maintenance area. The Center, currently under construction, is approximately 47% complete; and is scheduled for completion by May 12, 2004. The county anticipates staffing the facility and transferring juveniles to the facility by June 30, 2004. The primary function of this facility will be pre-adjudication activities, or those that happen before the juvenile's hearing/trial determining his guilt or innocence. These activities include the juvenile's arrest, initial intake hearing and appearance, and arraignment.

Juvenile Population Trends: In previous years, the county has been challenged to provide adequate juvenile detention bed space. In preceding years, current facilities were routinely exceeding the rated capacity authorized by the California Board of Corrections. In the year 2000, overpopulation at the Central Valley Juvenile Detention and Assessment Center was routinely exceeding rated capacity authorized by the Board of Corrections by several hundred youth, reaching a peak population of 633. With the opening of the West Valley Juvenile Detention and Assessment Center in January 2003, the county's juvenile system capacity increased from 268 to 450 available beds.

For the years 1992-2000, the average daily population of all juveniles within the county's juvenile detention system was 332; growing from an average daily population of 217 in 1992 to 537 in 2000. Of the juvenile population, approximately 24% of the detainees are youth from the High Desert communities.

Using the trends of the years 1992-2000, Rosser International Inc. in a Juvenile Population Projections and Classification Analysis projected a need for 500-725 detention beds by the year 2003, 795 - 950 detention beds by the year 2005, and 1,300 – 1,600 by 2015. The projections assume the following:

- No new legislative initiatives will be implemented that could increase or decrease the number of offenses leading to confinement in juvenile halls.
- Crime trends will follow generally the same patterns of the past decade.
- Judicial sentencing practices will follow generally the same patterns of the past decade.
- Underlying civilian populations of San Bernardino County will follow generally the same patterns of the past decade.

In San Bernardino County, actual current population figures are considerably lower than the projections; the present facilities have a population of 406 juveniles as of April 21, 2003. Population reduction can be attributed to a measurable change in court sentencing practices and the focused efforts of the Probation Department.

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Probation's efforts include AB1913 funded delinquency intervention programs such as the Day Reporting Centers and House Arrest program (Crime Prevention Act of 2000). These programs have:

- Reduced the number of juveniles in private placement;
- Contracted with Fouts Springs boot camp for additional placement options;
- Increased number of on-campus school probation officers;
- Temporarily housed youth in on-grounds tents; and
- Increased focus on "case management" of youth in the community.

Staffing Requirements: Based on the grant funding requirements, the county has committed to adequately staff the facility within 90 days of project completion per Board of Corrections requirements. A base cost to open and operate an additional juvenile detention facility requires a fixed number of support staff and services regardless of the population. As previously disclosed, 24% of all juveniles currently within county detention facilities are comprised of youth from High Desert communities. With this in mind, plans for opening the High Desert facility were developed for various populations. These estimates include transferring the respective population and a proportionate amount of staff from existing detention facilities to the High Desert Juvenile Detention and Assessment Center. Additional staff will be added as required.

Increased and Incremental Costs of Increased Population: Assuming a transfer of 100 youth to the High Desert Juvenile Detention and Assessment Center, opening the facility will require one-time training/transitioning costs of approximately \$2.3 million to begin operations. If the actual number of youth transferred is lower, costs will also be proportionately lower. A board item proposing the use of one-time contingency monies to fund the training/transition will be presented to the Board approximately six months before the opening of the facility. The facility is presently scheduled to open in July 2004.

The Probation Department currently operates two juvenile detention and correction centers: one in Central Valley and one in West Valley, which provide a 450 bed capacity for the county. Central Valley had 256 of 268 beds filled and West Valley had 150 of 182 beds filled as of April 21, 2003. The current cost of operations for present facilities is estimated to be \$36 million for 2003-04, with a local cost of \$21.6 million. Although only 406 beds are currently filled, 450 beds are budgeted to allow for fluctuations in the population, as population fluctuated by as much as 100 beds per month in 2002.

The High Desert Juvenile Detention and Assessment Center will provide an additional 200 beds. When the High Desert facility opens, an undetermined number of juveniles currently housed at the Central Valley and West Valley facilities will be transferred to the High Desert. Based upon an estimated first year population of 100, the annual operating costs for the High Desert facility in 2004-05 are anticipated to be \$10,949,344. Of this amount, \$4 million is local cost currently associated with the Central Valley or West Valley facilities that will be transferred to the High Desert center along with the transfer of the juveniles to the facility. Consequently, the \$10,949,344 anticipated cost of operating the High Desert facility represents an increase in local cost of approximately \$6.9 million, assuming no change in average daily population.

The projected incremental local cost to add twenty beds to any of the facilities averages \$880,000. If all facilities are operated at full capacity, 650 beds, the total cost of operations could exceed \$39 million in local cost, which is approximately \$17.4 million higher than current local funding assuming full capacity at present facilities. The cost of operations will continue to be offset through state and federal funding.

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The following chart illustrates the estimated local cost of Probation facilities for 2003-04 and 2004-05, based upon opening the High Desert facility with a transfer of 100 juveniles:

Estimated System Costs
San Bernardino County Juvenile Detention & Assessment Centers

Projected System Costs 2003-04

	2003-04 Budget
Central Valley Juvenile Detention and Assessment Center	\$ 21,870,776 *
West Valley Juvenile Detention and Assessment Center	<u>14,198,843</u>
Subtotal	<u>36,069,619</u>
Projected Federal and State funding	<u>(14,485,099)</u>
Projected 2003-04 Local Cost	<u>\$ 21,584,520 **</u>

* Centers are budgeted for a population of 450 beds. Current population is 406 beds (as of 4-21-03).

**Does not include the \$2.3 one-time training/transition costs for the High Desert facility.

Projected System Costs 2004-05

	2004-05 Budget
Central Valley Juvenile Detention and Assessment Center	\$ 22,854,961 *
West Valley Juvenile Detention and Assessment Center	<u>14,837,791 *</u>
Subtotal	<u>37,692,752</u>
Projected Federal and State funding	<u>(15,136,929)</u>
Central Valley and West Valley 2003-04 Local Cost	<u>\$ 22,555,823</u>
Transfer of local costs to High Desert facility	<u>(4,000,505) **</u>
High Desert Juvenile Detention and Assessment Center operating costs	<u>10,949,344</u>
Projected 2004-05 Local Cost	<u>\$ 29,504,662</u>

Increase in Local Cost 2004-05 vs. 2003-04	\$ 7,920,142
Less Increase in Local Cost for Central Valley and West Valley facilities	<u>(971,303)</u>
Increase in Local Cost attributable to High Desert facility	<u>\$ 6,948,839</u>

*Centers are budgeted for a population of 450 beds. Current population is 406 beds (As of 4-21-03).

Projections were calculated anticipating a 4.5% inflationary increase in 2003-04 proposed budget

**This transfer represents the costs, which include staffing, for the 100 juveniles that will be transferred from the Central Valley and West Valley facilities to the High Desert facility.

Alternatives to utilizing facility for juvenile intake and pre-adjudication activities: Due to the declining juvenile population in the county, other uses for the High Desert facilities were analyzed. These alternatives include:

- 1) Complete construction, but do not open facility within 90 days of completion;
- 2) Suspend construction of the facility;
- 3) Consider alternative uses for the facility;
- 4) Close an older facility to utilize the new facility; and
- 5) Open the new facility at a minimal capacity.

1) Continuing construction, but not opening the facility within the 90 day time frame would result in the loss of 20% of the revenue grant, or approximately \$3.8 million in state funding. Consequently, the county's costs for construction of the facility would increase. In addition, 4 full-time facility maintenance workers would be required to run the facility's systems on a daily basis to maintain warranties on the mechanical equipment, and security guards would have to be hired to prevent vandalism and theft on the property on a 7 day per week/24 hour per day basis.

Salary and utility costs for this alternative would be approximately \$360,000 per year. A final disadvantage of noncompliance with grant requirements is the probability that the county would be judged negatively in future grant applications.

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2) Suspending construction of the facility would result in relinquishing the grant funding and absorbing current and future construction costs of the facility. Costs as of May 12, 2003 total \$13,675,457. Additional local cost funding would be required to complete the facility at a later date. Prior to completion: lighting for the site would need to be installed, materials on the site would require weatherproofing, and materials that could not be weatherproofed would require relocation to storage facilities. In addition, security guards would have to be hired to monitor the site and prevent vandalism and theft. The one-time cost of securing the site is estimated at \$750,000, while the ongoing cost of security is estimated at \$150,000 per year.

3) An alternative use for the facility consists of modifying the facility to include courtrooms. Modifications to include courtrooms in the facility would incur significant costs, as this alternative would involve demolition of newly constructed walls and redesign of the project, which represents additional architectural fees. This option may be cost prohibitive, as all costs incurred would be the responsibility of the county, as the grant funding cannot be used for the design or construction of courtrooms. Use of existing buildings without modification would raise major security concerns as well as court management issues, which would need to be addressed by judicial officers.

4) Another alternative under consideration is closing the Central Valley Juvenile Detention and Assessment Center and moving youth to the High Desert facility. A major advantage of closing the Central facility is eliminating the high maintenance costs associated with the older facility. Disadvantages of closing the Central facility include: loss of overall system capacity, as county capacity would decrease from 450 beds to 382 beds; existing juvenile courts and dependency courts on site at the Central facility would continue to operate resulting in no significant cost savings; and transportation costs for juveniles requiring court appearances would increase dramatically.

5) A final alternative is opening the facility on a limited basis. This alternative proposes transferring 20-40 youth to the facility. The varied costs of this alternative are presented in the following table, which also shows the cost of 100 beds for comparative purposes. This alternative requires the county to submit an amended staffing plan to the Board of Corrections for approval prior to implementation of the alternative. The amended staffing plan would be submitted approximately six months prior to opening the facility.

Alternative /Cost	Operate Facility at 100 Beds	Operate Facility at 20-40 Beds
Staff and Utilities	10,949,344	5,430,936
Transfer of Local Cost	(4,000,505)	(2,978,076)
Additional Local Cost	<u>\$ 6,948,839</u>	<u>\$ 2,452,860</u>

REVIEW BY OTHERS: This item has been reviewed by County Counsel (Jean-Rene Basle, Deputy County Counsel and Dawn Stafford, Deputy County Counsel) on May 13, 2003, and the County Administrative Office (Vicki Kratzke, Administrative Analyst) on May 13, 2003.

FINANCIAL IMPACT: Approval of this item will allow billing to begin on the Board of Corrections grant funding in the amount of \$19,329,640 to pay the ongoing costs of construction. To date, the county has expended \$13,675,457 for construction related costs.

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These costs have been paid with monies contributed by the General Fund and Justice Facility Reserve.

Additional impact includes the one-time training/transitioning costs of approximately \$2.3 million to begin operations (assuming 100 youth are transferred). A board item proposing the use of one-time contingency monies to fund the training/transition will be presented to the Board at a later date.

A final impact involves the county's commitment to staff the facility within 90 days of project completion per Board of Corrections requirements. The actual annual operating costs of the facility will depend on the youth detention population; however, presuming a population of 100 youth, first-year annual operating costs for 2004-05 are currently projected to be \$10,949,344. Ongoing annual costs will vary with population, but could total approximately \$39 million in local cost if all facilities are operated at full capacity. Probation will continue to evaluate and identify revenue sources that could help reduce the local cost of this facility.

Probation will return to the Board six months before the High Desert facility opens with a transition/start-up plan for the facility, which is projected to be completed in May 2004. Recommendations for staffing levels and expected operational costs for 2004-05 will be calculated using up-to-date projected detention population. In the interim, all options to decrease costs will be analyzed and evaluated.

Cost Reduction Review: The County Administrative Office has reviewed this agenda item and concurs with the department's recommendations that these actions are necessary to access the grant funding for the construction costs. Further, the county has committed to fully and safely staff and operate the facility within 90 days of final completion. The County Administrative Office will work closely with Probation to ensure that recommendations for staffing and other costs are mindful of the state budget impact.

SUPERVISORIAL DISTRICT(S): All

PRESENTER: Raymond B. Wingerd, Chief Probation Officer (909) 387-5693
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